



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,929	03/11/2004	Benjamin Alan Askren	2003-0888.01/4670-276	6923

7590 12/01/2005
LEXMARK INTERNATIONAL, INC.
ATT: JOHN J. McARDLE, JR.
740 WEST NEW CIRCLE ROAD
LEXINGTON, KY 40550

EXAMINER

ROTH, LAURA K

ART UNIT	PAPER NUMBER
----------	--------------

2852

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

ATC

Office Action Summary	Application No.	Applicant(s)	
	10/798,929	ASKREN ET AL.	
	Examiner	Art Unit	
	Laura K. Roth	2852	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-16, and 20 is/are allowed.
- 6) ☒ Claim(s) 17 and 19 is/are rejected.
- 7) ☒ Claim(s) 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

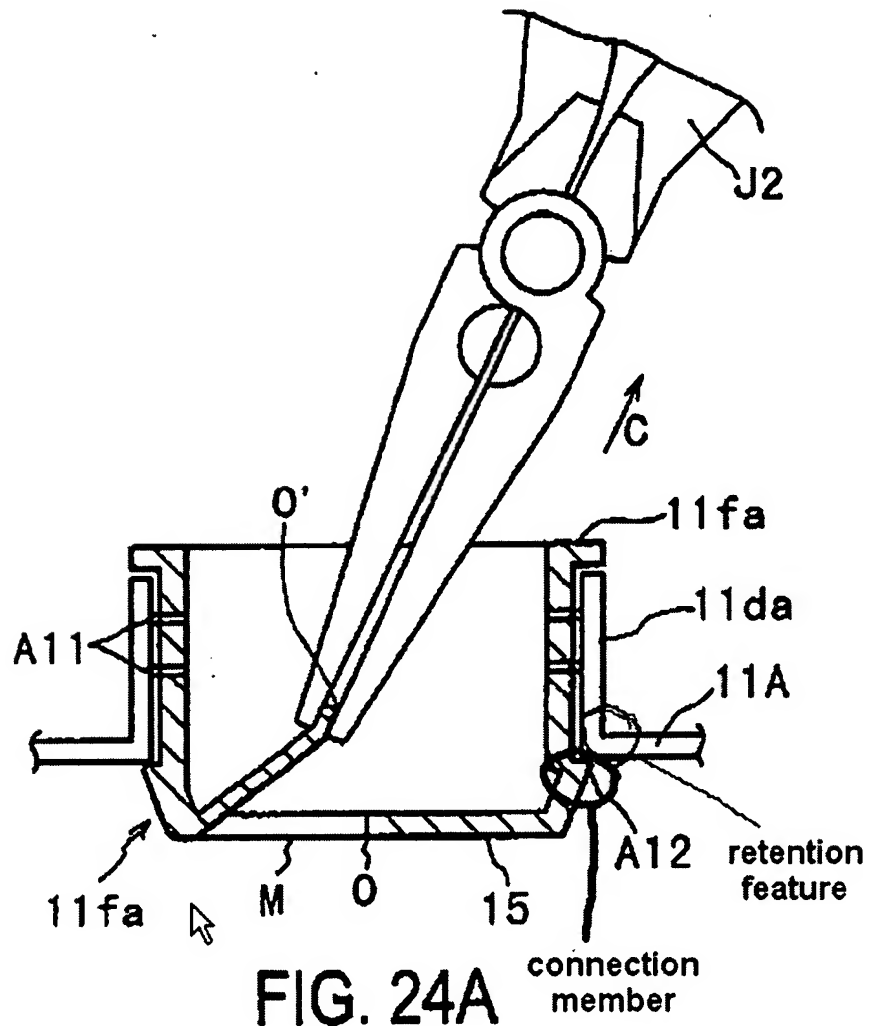
Claim Rejections - 35 USC § 103

Claims 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morinaga et al. (US Pat. 6,219,506) in view of Buchanan et al. (US Pat. 6,496,662). Morinaga et al. (US Pat. 6,219,506) disclose a method of removing a plug from a cartridge of an image forming device (col.1, ln.7-12; col.2, ln.34-38) comprising the steps of: forming a hole in a plug that is mounted within a port in the cartridge (claim1, step 1; claim4), extending a tool through the hole into an interior section of the cartridge (fig.24A; to grip O' initially, tool J2 must enter the interior section through the hole), applying a force substantially parallel to a face of the plug (fig.24A, C; as C is not distinctly defined, the x-component of the force C could be significantly greater than the y-component, rendering the force substantially parallel to the face and still effecting the disconnection means set forth in fig.24A), disconnecting a connection member (fig.24A, #A12) on a base that extends outward from the plug (fig.24A, #A12; further see the included illustration of fig.24A below) from a retention feature mounted within the interior section of the cartridge (fig.24A, corner formed from 11A to 11da), and removing the plug from the port (claim 1, step 2). Regarding claim 19, Morinaga et al. (US Pat. 6,219,506) further disclose a step of inputting new toner into the cartridge after removing the plug from the port (col.1, ln.27-29). However, Morinaga et al. (US Pat. 6,219,506) fail to disclose an optically transmissive section of a plug and the forming of a hole in said optically transmissive section.

Buchanan et al. (US Pat. 6,496,662) disclose an optically transmissive section in a plug (fig.3, #21; col.2, ln.40-41). It would have been obvious to one of ordinary skill in

Art Unit: 2852

the art at the time of invention to modify the plug proposed in the method of Morinaga et al. (US Pat. 6,219,506) with the optically transmissive section of Buchanan et al. (US Pat. 6,496,662) to enable one to look inside and determine the toner level. Installing the optically transmissive section in the plug would further eradicate the need for two holes in the cartridge walls and two seals for said holes, thus potentially decreasing cost of manufacture and reducing the possibility of toner leakage. It also would have been obvious to one of ordinary skill in the art at the time of invention to modify the method of Morinaga et al. (US Pat. 6,219,506) with the possibility of forming a hole in the optically transmissive section of Buchanan et al. (US Pat. 6,496,662) to facilitate an effective removal of the plug when an optically transmissive member is present. Since the optically transmissive section is located on the face of the plug, it would be inherently necessary to for the hole also in the optically transmissive section.



Allowable Subject Matter

Claims 1-16 and 20 are allowed.

Claim 18 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

- Prior art does not disclose or suggest the claimed “base extending outward” or “reflector extending from the base” in combination with the remaining claim elements as set forth in claims 1-12.
- Prior art does not disclose or suggest the claimed “base that extends into the toner reservoir” or “reflector that extends from the base” in combination with the remaining claim elements as set forth in claims 13-16.
- Prior art does not disclose or suggest the claimed step of “forming a second hole in a reflective member” in combination with the remaining claim elements as set forth in claim 18.
- Prior art does not disclose or suggest the claimed step of “attaching an aperture on the plug to a ramped member that extends outward from a(n) wall within a toner reservoir” in combination with the remaining claim elements as set forth in claim 20.

Response to Arguments

Applicant's arguments, filed 13 October 2005, with respect to claims 1-16 have been fully considered and are persuasive. The rejection of claims 1-16 has been withdrawn.

Applicant's arguments filed on 13 October 2005 regarding claims 17 and 19 have been fully considered but they are not persuasive.

Regarding argument one, Applicant's first argument states that Buchanan says nothing at all about how a user might remove the transparent window. Though Buchanan does not teach the removal of the window, the act of modifying Morinaga by adding a window to the removable plug would necessitate a need to remove the window as it is necessary to remove the proposed plug/window combination for remanufacture of the cartridge. Thus, though Buchanan does not teach the window removal, both the removal of and the hole being formed in the window would both be inherent when using the plug/window in the method of Morinaga.

Regarding argument two, Applicant's second argument states that the cap is not suitable for modification due to cross projections. Applicant is referring to the original citing of fig.8B, part #C15. Part #C15 was strictly cited for the Applicant's benefit of clearly seeing which part the examiner was indicating in reference to the connecting member. The Examiner acknowledges that the cap shown in fig.8B has cross-projections that would inhibit, though not necessarily prevent, the installation of a window. The Examiner wishes to note that the embodiment of the cap illustrated in fig.24A and not addressed by the Applicant's arguments would accommodate a window. Additionally, further embodiments of the cap as illustrated in fig.19 and fig.21 would also accommodate the window feature. The Examiner has attempted to remedy the unintentional inconsistencies caused by citing the cap and parts of fig.24A in the current rejection.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

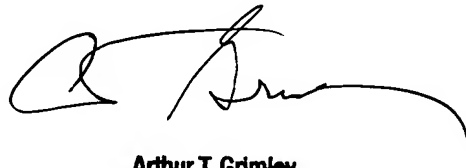
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura K. Roth whose telephone number is (571)272-2154. The examiner can normally be reached on Monday-Friday, 7:30 am to 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur T. Grimley can be reached on (571)272-2136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LKR
11/23/2005

A handwritten signature in black ink, appearing to read 'Arthur T. Grimley', with a long horizontal flourish extending to the right.

Arthur T. Grimley
Supervisory Patent Examiner
Technology Center 2800